

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

SHANE ANTHONY LEWIS,
Plaintiff,

No. 3:24-cv-00815-JR

OPINION AND ORDER

v.

ASHLEY CONWAY, *sued in her individual
capacity*,

Defendant.

BAGGIO, District Judge:

On May 1, 2025, Magistrate Judge Jolie A. Russo issued her Findings and Recommendation (“F&R”, ECF 42) recommending that this Court grant in part and deny in part Defendant’s Motion to Dismiss (ECF 22) and grant Plaintiff’s Motion for Leave to File Second Amended Complaint (ECF 24)—but only as to Plaintiff’s First Amendment retaliation claim against Defendant. Neither party filed objections. This Court ADOPTS Judge Russo’s F&R.

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. 28 U.S.C. § 636(b)(1)(B), (C). If a party objects, the court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendation to which objection is made.” *Id.* § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *Thomas v.*

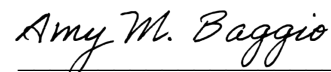
Arn, 474 U.S. 140, 149 (1985); *United States v. Ramos*, 65 F.4th 427, 433 (9th Cir. 2023). While the level of scrutiny that the court applies to its F&R review depends on whether a party has filed objections, the court is free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C); *see also Thomas*, 474 U.S. at 154.

CONCLUSION

Upon review, the Court agrees with Judge Russo's recommendation and adopts the F&R (ECF 42) in full. Accordingly, Defendant's Motion to Dismiss (ECF 22) is GRANTED IN PART and DENIED IN PART. Defendant's motion is GRANTED as to Plaintiff's state law contract claims, state constitutional claims, and federal claims for violation of Plaintiff's Fourth Amendment illegal search and seizure and Fourteenth Amendment due process claims. Defendant's motion is DENIED as to Plaintiff's First Amendment claim of retaliation. Further, Plaintiff's Motion for Leave to File Second Amended Complaint (ECF 24) is GRANTED to the extent Plaintiff is allowed leave to file a Second Amended Complaint alleging only a First Amendment retaliation claim against Defendant. Plaintiff cannot cure deficiencies relating to his remaining claims, therefore leave to amend as to those claims are DENIED.

IT IS SO ORDERED.

DATED this 28th day of May 2025.



AMY M. BAGGIO
United States District Judge